

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.  
 4800 IDS Center, 80 South Eighth Street  
 Minneapolis, Minnesota 55402-2100 USA

RECEIVED  
 CENTRAL FAX CENTER  
 DEC 01 2005

## FACSIMILE COVER SHEET

TELEPHONE: (612) 349-5740 TOLL FREE: 1-800 331-4537  
 FACSIMILE: (612) 349-9266

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 7

Original documents to follow by mail  No originals will be sent

DATE: December 1, 2005

TO: Examiner Mark Ruthkosky  
 Group Art Unit 1745 FAX #: 571-273-8300

PHONE #:

Application No.: 09/435,748

OUR REF.: 2950.27US01

Applicant: Buckley

Due Date: December 26, 2005

Appeal No.: 2005-1249

FROM: Peter S. Dardi  
 PHONE #: (404) 949-5730

Attached please find the following document(s) for filing in the above-identified patent application:

1. Request to Reinstate Appeal (2 pgs)
2. Supplemental Appeal Brief (4 pgs)

Respectfully submitted,



Peter S. Dardi, Ph.D.

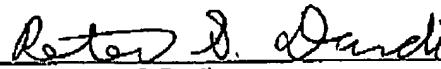
Reg. 39,650

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to Examiner Mark Ruthkosky at the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below thereby constituting filing of same.

Date

December 1, 2005



Peter S. Dardi

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL PATTERSON, THUENTE, SKAAR & CHRISTENSEN COLLECT AT (612) 349-5740. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

Facsimile sent by P.S.D.

RECEIVED  
CENTRAL FAX CENTER  
DEC 01 2005

Application No. 09/435,748  
Appeal No. 2005-1249

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2950.27US01

Buckley et al.

Confirmation No.: 5623

Application No.: 09/435,748

Examiner: Mark Ruthkosky

Filed: November 8, 1999

Group Art Unit: 1745

For: BATTERIES WITH THIN ELECTRODES

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCESAPPEAL NUMBER 2005-1249REQUEST TO REINSTATE APPEAL

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of September 23, 2005 and the Remand from the Board dated August 26, 2005, Appellants respectfully request reinstatement of the Appeal. A Supplemental Reply Brief is attached. In reviewing the new rules 37 C.F.R. 41.30 to 41.54, it is not clear that the Examiner's submission of an Office Action was an appropriate response at this stage of the prosecution. It would seem that the Examiner should have sent a Supplemental Examiner's Answer. The filing of an Office Action was an appropriate response under the old rules 37 C.F.R. 12.81, which have been withdrawn in view of the new rules. On page 3 of the Board's Remand, the Board indicated that if the Examiner's Answer contained a new Ground of Rejection, a corrected Examiner's Answer should have been filed and not a new Office Action.

Application No. 09/435,748  
Appeal No. 2005-1249

However, in any case, Appellants' filing of this document and their Supplemental Reply Brief should appropriately resume the Appeals process. Since the Office Action set a three month response period for reply, Appellants' response is timely filed.

Respectfully submitted,



Peter S. Dardi, Ph.D.  
Registration No. 39,650

Customer No. 24113  
Patterson, Thuente, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: (404) 949-5730

*Please grant any extension of time necessary for entry: charge any fee due to Deposit Account No. 16-0631.*

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below thereby constituting filing of same.

December 1, 2005  
Date

Peter S. Dardi  
Peter S. Dardi